



RIVERKEEPER

February 25, 2007

VIA ELECTRONIC MAIL (daisy.colon@yonkersny.gov)

Louis C. Kirven
Commissioner, Department of Planning and Development
City of Yonkers Community Development Agency
87 Nepperhan Avenue, Suite 312
Yonkers, NY 10701

Re: **Comments on the City of Yonkers Alexander Street Draft Generic
Environmental Impact Statement**

Dear Mr. Kirven:

Please accept the following as Riverkeeper Inc.'s ("Riverkeeper") comments on the Draft Generic Environmental Impact Statement ("DGEIS") for the City of Yonkers Alexander Street Master Plan, Alexander Street Urban Renewal Plan, and Alexander Street Brownfield Opportunity Area Plan. These comments focus primarily on: (1) the inadequate public comment period for the DGEIS (2) the critical importance that all developments within the Alexander Street DGEIS Urban Renewal Area fully implement the "green building" and sustainability guidelines contained in the Alexander Street Master Plan and Urban Renewal Area Plan (3) the importance of implementing stormwater management techniques and infrastructure improvements sufficient to reduce adverse impacts on surface water quality resulting from combined sewer overflows ("CSOs") and (4) the DGEIS's insufficient consideration of the cumulative impacts of the multiple related redevelopment projects ongoing or under review for the City of Yonkers.

I. Organizational Background Information

Riverkeeper is a member-supported, not-for-profit organization, dedicated to protecting the Hudson River and its tributaries, and to safeguarding the drinking water supply for New York City. Since 1966, Riverkeeper has used litigation, science, advocacy, and public education to end pollution, restore ecological health, and revitalize waterfront use and access. Riverkeeper has a long history of fighting to protect the Hudson River from sewage and stormwater issues, and has, more recently, been advocating for sustainable, low impact development solutions to stormwater management, the root cause of CSOs.

As you are undoubtedly aware, this project is one of many proposals along the shores of the Hudson River. In a period of such rapid change, it is essential to view each development in a broader context and ensure that it benefits the community at large and protects and enhances the beauty and ecology of the Hudson River. This must include a focus on eliminating or minimizing stormwater runoff and erosion, protecting ecologically sensitive areas, and otherwise ensuring that development will not impair nearby waters. Riverkeeper suggests that plans for the ecological restoration of the Hudson's waterfront be incorporated into every waterfront development plan, to help the Hudson continue to recover from past abuses and strengthen it against future threats.

Forty years ago, the Hudson River was choked with pollution -- some called it an open sewer and various maps had marked it with black to indicate the River was dead. Yet, over the past few decades, through changes in the industrial nature of the Hudson River Valley and through the hard work of citizens and grassroots organizations like Riverkeeper, the Hudson has made a tremendous recovery. Still, more remains to be done and vigilance is essential. The beauty of the Hudson is one of the major attractions drawing people and wealth to the Hudson Valley -- and to the City of Yonkers.

II. Meaningful Public Participation

In the DGEIS for the Alexander Street Urban Renewal Area, the City of Yonkers proposes zoning changes and other land use approvals, this includes special permits, to allow for residential and commercial mixed use development including approximately 4,000 residential units, approximately 200,000 square feet of neighborhood retail and commercial space, new and enhanced public parkland, and a host of roadway relocations and infrastructure additions.¹

The development described in the DGEIS is located on Alexander Street between the Metro North train tracks and the Hudson River, will run from the Westchester pump station to the JFK Marina, and calls for the construction of 18 skyscrapers with a height ranging from 12-30 stories. This development, if fully constructed, would contain delis, cafes, restaurants, entertainment venues, retail, and would bring approximately 7,000 new residents to the area.² Such a development has the very real potential to drastically alter a large section of the waterfront, and the City of Yonkers as a whole, for decades, if not permanently.

Although Riverkeeper supports redevelopment of Alexander Street and other parts of Yonkers, it is of the utmost importance that such a plan is not implemented without adequate opportunity for full public participation. The DGEIS, Alexander Street Master Plan, Urban Renewal Plan, and Brownfields Opportunity Area Plan are lengthy and technical. With hundreds of pages of documents for the public to review and a comment period lasting only from December 20, 2007 to February 25, 2008 during which time two public hearings were held, the City of Yonkers simply did not allow enough time for the

¹ See Alexander Street Scoping document at 3.

² Journal News, An outsized plan for Yonkers' waterfront comes into view, <http://lohud.com/apps/pbcs.dll/article?AID=/20080217/OPINION/802170323/1015/OPINION01>

public to meaningfully review and comment on such a massive proposal. The development proposed by the DGEIS will leave its mark on Yonkers for decades to come, therefore it is imperative for the City of Yonkers to extend the public comment period, giving residents and stakeholders the time that is needed to meaningfully review and comment on the details of the development outlined in the Master Plan, Urban Renewal Plan, and DGEIS.

III. Energy Resources, Sustainability Objectives and "Green Architecture"

The Alexander Street Master Plan and Urban Renewal Plan detail environmental sustainability guidelines for all projects undertaken under these plans. These guidelines call for the implementation of "green building" technologies and the utilization of LEED (Leadership in Energy and Environmental Design) certified building techniques. The LEED rating system is a national standard for developing high-performance, sustainable buildings. In addition the sustainability guidelines contain specific requirements that address site sustainability, water efficiency, materials, energy conservation, and indoor air quality. These requirements include, among other things, the installation of "green roofs," the design of landscaping, irrigation, and paving to minimize impervious surfaces, the use of sustainable building materials, and the use of technologies to minimize energy consumption.³

Riverkeeper urges the City of Yonkers to ascertain all requirements for various energy efficiency ratings, LEED certification and other programs for sustainable, environmentally sound building and development, and to commit to the highest levels of achievement when approving projects that fall within the Alexander Street Urban Renewal Area. These standards serve to lessen the adverse impacts of development on the surrounding environment and as such, the requirements set out in the sustainability guidelines should serve as minimum requirements for any project within the Alexander Street Urban Renewal Area.

IV. Impacts to Water Quality, the Hudson River Ecosystem, and Biota Must Be Thoroughly Studied

Given the Proposed Project's magnitude, proximity to the water, horizontal span across the waterfront and the significant slope of the area adjacent to the shore, the most robust analysis possible should be done on all Hudson River ecosystem resources and water quality impacts. The DGEIS highlights three potential impacts to Hudson River water quality. (1) Stormwater management/Erosion control; (2) Sewage effluent (CSOs); and (3) Incidental fill needed for various projects including the floating dock and breakwater construction for JFK Marina.

The DGEIS concludes that none of these potential impacts will have a significant effect on water quality, biota, or habitat. Riverkeeper's comments on each of these impacts to the Hudson River are discussed below:

³ See Alexander Street Master Plan, 5-6 to 5-7, Alexander Street Urban Renewal Plan 2-6 to 2-7.

1. Stormwater and Erosion Control Measures Must be Implemented for the Entire Alexander Street Urban Renewal Area

Controlling erosion and the proper management of stormwater is critical to protecting the Hudson River from the impacts of the Alexander Street redevelopment. The DGEIS states that all construction within the Alexander Street Urban Renewal Area will be subject to the New York State Stormwater Management Design Manual and New York State Guidelines for Urban Erosion and Sediment Control.⁴ As individual designs are developed for portions of the Master Plan and submitted for review by the City and other regulatory agencies post-GEIS, the DGEIS requires these projects to develop erosion control plans as part of site plan approval. In addition flooding and water quality impacts must be planned for. "[I]t is the intention [of the City of Yonkers] to provide for diverse stormwater amenities throughout the subject area as part of individual project designs...[In addition] [r]eview and approval of stormwater pollution prevention plans as well as landscaping and planting plans would be made a condition of SEQRA findings requiring adherence to these conceptual design guidelines."⁵

The DGEIS concludes—that because the Alexander Street Urban Renewal Area currently has no stormwater treatment or detention, that the redevelopment of the area would result in a net reduction of stormwater.⁶

The management of stormwater in cities such as Yonkers, which have combined sewer systems, is critical as wet weather events often overload sewage treatment plants, resulting in combined sewer overflows ("CSOs"). In studying the problem elsewhere, Riverkeeper has advocated the incorporation of a sustainable approach to CSOs that gives appropriate consideration to stormwater source controls, which keep stormwater from ever entering the sewage system. Many of these source controls are referred to in the DGEIS and Master Plan Environmental Guidelines. They include installations such as street trees, "Greenstreets" parks (smaller vegetated areas on streets), green roofs, rain barrels, and direct injection into groundwater.

Riverkeeper advocates a "no net increase in stormwater" policy for all development and strongly urges the City of Yonkers to maintain its commitment to sustainable stormwater management practices as individual projects within the Alexander Street Urban Renewal Area are approved.

2. The Adequacy of the Yonkers Sewage Treatment Plant Must Be Evaluated

Adequate sewage infrastructure must be provided and should be designed and engineered so as to be fully compliant with federal and state law. Municipalities with combined sewer overflows are required by the Clean Water Act to develop and implement long-term control plans (LTCPs) to abate water quality impacts from CSO discharges. The new infrastructure should ensure that no impacts from CSOs occur to the surface and groundwaters of the area.

⁴ DGEIS, 4-11 to 4-12

⁵ DGEIS, 11-5 to 11-6

⁶ *Id.*

According to the DGEIS all sanitary sewage generated in the City of Yonkers is treated at the Yonkers Joint Wastewater Treatment Plant. The plant currently treats 96 million gallons per day ("mgd") on average but must process greater volumes during storm events due to combined stormwater and sanitary sewer lines in municipalities, including Yonkers, that contribute flows to the plant. The hydraulic capacity of the plant is 200 mgd, so that during high flow periods it is capable of providing secondary treatment to 150 mgd and somewhat less rigorous primary treatment for 50 mgd.⁷

An additional 20 mgd of wastewater can be handled at the plant during storm events through swirl concentrators and disinfection. Similar processes are used at the North Yonkers Pump Station to filter excess wastewater flows prior to discharge. The Yonkers Plant is permitted to treat average daily flows of 120 mgd from June to November and 145 mgd from December through May.⁸

Although the Yonkers Sewage Plant has the capacity to process the additional 1.2mgd of sewage that the DGEIS estimates would be generated by the Alexander Street Development, there are several areas of concern that must be addressed:

- The DGEIS admits that during storm events the Yonkers Sewage Plant capacity could be exceeded, resulting in the discharge of raw sewage into the Hudson River. The DGEIS does require the separation of stormwater and sanitary sewage for all new development and states that developers would have to show that "their proposals will not result in sewage flows that exceed the capacity of the plant."⁹ Although this requirement is important, it doesn't go far enough. Because of the cumulative impacts of the individual developments within the Alexander Street redevelopment area 1.2mgd of additional sanitary sewage is added to the Yonkers Sewage Plant. For this reason 1.2mgd less stormwater can enter the Plant during a storm before a sewage overflow occurs. For this reason, projects within the Alexander Street Urban Improvement Area should be required to offset the amount of sanitary waste generated with a corresponding reduction in stormwater elsewhere in the area or within the city through the construction of a source control measure such as a rain barrel or green roof.
- The DGEIS contains an estimate of redevelopment costs but notes that the estimate does not include infrastructure expenses, including sewer infrastructure and stormwater drainage systems. In addition the sewer infrastructure requires special foundation treatment because the ground at the site is composed of urban fill, prone to settling. This type of foundation increases development costs.¹⁰ The DGEIS and the City of Yonkers must address where funding for these necessary improvements will come from, as the success of the project is dependent on being able to make these infrastructure upgrades.
- The Yonkers Joint Wastewater Treatment Plant has a history of violations. According to a 2002 Natural Resources Defense Council ("NRDC") report

⁷ DGEIS, 11-1 to 11-2

⁸ *Id.*

⁹ DGEIS, 11-4

¹⁰ DGEIS. 1-11

entitled "Cape May to Montauk: A Coastal Protection Report Card" the Yonkers plant is one of the top 12 worst sewage treatment plants in the New York-New Jersey Harbor Bight (the Atlantic Coastline stretching from Cape May to New York City and Across to Montauk).¹¹ In addition a search of the Environmental Protection Agency Echo Enforcement database reveals that the Yonkers Sewage Plant has been in violation of its Clean Water Act permit during twelve of the past twelve quarters. During the most recent quarter the plant violated its limits for Coliform by 9900%.¹² Although the Yonkers Sewage Treatment Plant is operated by Westchester County, the DGEIS should account for the Plant's problems and evaluate the impact of the 1.2 mgd the Alexander Street project would generate on the daily operations of this facility instead of focusing only on capacity numbers.

3. Further Study of the Affect of Incidental Fill and JFK Marina is Needed

The DGEIS states that several components of the Master Plan may require some incidental fill or shading of un-vegetated tidal wetland. This includes construction of marinas adjacent to the public esplanade, and the creation of the Alexander Street Causeway. In addition, establishment of a marina facility at JFK Marina Park would require that the floating dock be sheltered from Hudson River currents. The Master Plan proposes the addition of a floating pier, or the deposition of fill to create an approximately 350-foot breakwater, or protective pier.¹³

The DGEIS concludes that impacts resulting from these projects are expected to be minor and have no significant effect on any wetland or aquatic habitat or to any species of fish or other aquatic life. However it does concede that at the time of the initiation of these and other in-water project activities, supplemental assessments of any impacts and applications for appropriate permits will be necessary.

Riverkeeper strongly urges the City of Yonkers to complete a full study of the impacts of any fill activity on the Hudson River prior any such projects.

V. Cumulative Impacts of Yonkers Development

Riverkeeper is concerned that the DGEIS for the Alexander Street redevelopment project fails to consider the cumulative impacts of the multitude of redevelopment projects ongoing, recently completed, or currently being planned for the City of Yonkers. The City of Yonkers website lists the Ashburton Avenue Urban Renewal Area, Nodine Hill Urban Renewal Area, and Ravine Avenue Urban Renewal Area in addition to Alexander Street as areas for planned redevelopment.¹⁴ The Hudson Park luxury apartment complex was recently completed on the Yonkers waterfront.¹⁵ And Struever Fidelco Cappelli has

¹¹ See, <http://www.nrdc.org/water/conservation/hb/contents.asp>

¹² <http://www.epa-echo.gov/echo/> (search for permit NY0026689)

¹³ DGEIS, 4-12

¹⁴ See, www.yonkersny.gov/Index.aspx?page=557

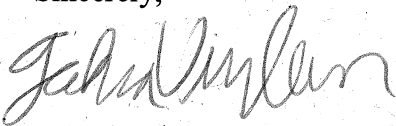
¹⁵ See, www.hudsonpark.com

applied for approvals for a massive \$3.1 billion redevelopment project involving three sites (Palisades Point, River Park Center, and Cacace Center) which would include several 50 story buildings and a minor league baseball stadium.¹⁶

With the City of Yonkers undergoing redevelopment on such a massive and widespread scale the impacts of these projects will inevitably have an impact on the environment and threaten to overload infrastructure and utilities such as water and sewer. The DGEIS fails to place the environmental impacts of the Alexander Street redevelopment within the context of the other Yonkers redevelopment projects which put stresses on the same resources. Without an analysis of the cumulative impacts of all of these projects, the data relied on in the DGEIS to reach conclusions as to the impact of the Alexander Street Urban Renewal Area is fatally flawed. Riverkeeper urges the City of Yonkers to undertake a comprehensive study of the effects of the combined redevelopment projects within the City, keeping in mind Governor Spitzer's recent Executive Order creating a Smart Growth Cabinet¹⁷ designed to help New York State address many of these very issues.

Thank you for your attention. Please do not hesitate to contact me with any questions or comments at (914) 478-4501, x 247, or at jverleun@riverkeeper.org.

Sincerely,



Joshua Verleun
Investigator

¹⁶ See, www.sfcyonkers.com

¹⁷ See, www.ny.gov/governor/press/1210073.html